IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 22872 of 2007(W)

AGAINST THE ORDER IN IA 116 OF 2007 IN CMA.2/2007 of PRINCIPAL SUB COURT,ATTINGAL
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PETITIONER:
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1. SWAYAMPRABHA, D/O.GOVINDAN,
AGED 46 YEARS, CHAMPANVILA VEEDU, VAKKOM VILLAGE,
VAKKOM DESOM.

2. RATNAMMA, D/O. PADMANABHAN,
AGED 30 YEARS, MONIYANVILAKOM VEEDU,
VAKKOM DESOM AND VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:

MOHANDAS & MOHANAN, AGED 45 YEARS,
S/O.DIVAKARAN, M.S.BHAVAN, VATTAVILA VEEDU,
PATTAVILAKOM MUKKU, VAKKOM DESOM AND VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.22872 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This writ petition is filed challenging the order of the learned Sub Judge, Attingal in I.A.No.116 of 2007 in C.M.A.No. 2 of 2007. There was an application for injunction in the suit and an order was passed by the Munsiff's Court, Varkala against which a C.M.A. was filed and along with the C.M.A. an application for interim injunction was filed by the appellant. The court has passed an order. It is against that order the present writ petition is filed. Needless to say that the court below should have disposed of the C.M.A. itself instead of trying to dispose of the I.A. in the C.M.A. I do not want to make any observation on the merit of this case because it may prejudicially affect the disposal of the C.M.A.

Therefore the writ petition is disposed of with a direction to the court below to dispose of C.M.A.No.2 of 2007, as expeditiously as possible, within a time frame of two months, untrammeled by the observations

contained in the order in I.A.No.116 of 2007 and after hearing both sides.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-